

## § 105.2

## 32 CFR Ch. I (7–1–15 Edition)

(16) DoDI 6400.06, “Domestic Abuse Involving DoD Military and Certain Affiliated Personnel,” August 21, 2007, as amended, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/640006p.pdf>;

(17) DoDI 3020.41, “Operational Contract Support (OCS),” December 20, 2011, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/302041p.pdf>;

(18) U.S. Department of Defense, “Manual for Courts-Martial, United States”;

(19) DoDI 5505.18, “Investigation of Adult Sexual Assault in the Department of Defense,” January 25, 2013, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/550518p.pdf>;

(20) DoDI 5545.02, “DoD Policy for Congressional Authorization and Appropriations Reporting Requirements,” December 19, 2008, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/554502p.pdf>;

(21) DTM 12–004, “DoD Internal Information Collections,” April 24, 2012, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/DTM-12-004.pdf>;

(21) DoD 8910.1–M, “Department of Defense Procedures for Management of Information Requirements,” June 30, 1998, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/891001m.pdf>;

(23) U.S. Department of Justice, Office on Violence Against Women, “A National Protocol for Sexual Assault Medical Forensic Examinations, Adults/Adolescents,” current version, can be found at <http://www.ncjrs.gov/pdffiles1/ovw/206554.pdf>;

(24) DoDI 1030.2, “Victim and Witness Assistance Procedures,” June 4, 2004, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/103002p.pdf>;

(25) DoDD 7050.06, “Military Whistleblower Protection,” July 23, 2007, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/705006p.pdf>;

(26) Section 102 of title 32, U.S.C.;

(27) Section 8(c) of Public Law 100–504, “The Inspector General Act of 1978,” as amended;

(28) DoD 6025.18–R, “DoD Health Information Privacy Regulation,” January 24, 2003, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/602518r.pdf>;

(29) Executive Order 13593, “2011 Amendments to the Manual for Courts-

Martial, United States,” December 13, 2011, can be found at <http://www.gpo.gov/fdsys/pkg/FR-2011-12-16/pdf/X11-11216.pdf>;

(30) DoDD 5400.11, “DoD Privacy Program,” May 8, 2007, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/540011p.pdf>;

(31) Public Law 104–191, “Health Insurance Portability and Accountability Act of 1996,” August 21, 1996;

(32) Section 552a of title 5, U.S.C.;

(33) DoDD 1030.01, “Victim and Witness Assistance,” April 13, 2004, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/103001p.pdf>;

(34) DoDI 1241.2, “Reserve Component Incapacitation System Management,” May 30, 2001, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/124102p.pdf>;

(35) Section 1561a of Public Law 107–311, “Armed Forces Domestic Security Act,” December 2, 2002;

(36) Secretary of Defense Memorandum, “Withholding Initial Disposition Authority Under the Uniform Code of Military Justice in Certain Sexual Assault Cases,” April 20, 2012, can be found at [http://www.dod.gov/dodgc/images/withhold\\_authority.pdf](http://www.dod.gov/dodgc/images/withhold_authority.pdf);

(37) Under Secretary of Defense for Personnel and Readiness Memorandum, “Legal Assistance for Victims of Crime,” October 17, 2011, can be found at <http://www.sapr.mil/index.php/law-and-dod-policies/directives-and-instructions>; and

(38) DoD 4165.66–M, “Base Redevelopment and Realignment Manual,” March 1, 2006, can be found at <http://www.dtic.mil/whs/directives/corres/pdf/416566m.pdf>.

### § 105.2 Applicability.

This part applies to:

(a) Office of the Secretary of Defense (OSD), the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the IG, DoD, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (hereafter referred to collectively as the “DoD Components”).

(b) NG and Reserve Component members who are sexually assaulted when performing active service, as defined in

section 101(d)(3) of title 10, U.S.C., and inactive duty training. If reporting a sexual assault that occurred prior to or while not performing active service or inactive training, NG and Reserve Component members will be eligible to receive limited SAPR support services from a SARC and a SAPR VA and are eligible to file a Restricted or Unrestricted Report.

(c) Military dependents 18 years of age and older who are eligible for treatment in the MHS, at installations CONUS and OCONUS, and who were victims of sexual assault perpetrated by someone other than a spouse or intimate partner.

(1) Adult military dependents may file unrestricted or restricted reports of sexual assault.

(2) The FAP, consistent with DoDD 6400.1 and DoDI 6400.06, covers adult military dependent sexual assault victims who are assaulted by a spouse or intimate partner and military dependent sexual assault victims who are 17 years of age and younger. The installation SARC and the installation family advocacy program (FAP) and domestic violence intervention and prevention staff shall direct coordination when a sexual assault occurs within a domestic relationship or involves child abuse.

(d) The following non-military individuals who are victims of sexual assault are only eligible for limited emergency care medical services at a military treatment facility, unless that individual is otherwise eligible as a Service member or TRICARE (<http://www.tricare.mil>) beneficiary of the military health system to receive treatment in a military MTF at no cost to them. They are only eligible to file an Unrestricted Report. They will also be offered the limited SAPR services to be defined as the assistance of a SARC and SAPR VA while undergoing emergency care OCONUS. These limited medical and SAPR services shall be provided to:

(1) DoD civilian employees and their family dependents 18 years of age and older when they are stationed or performing duties OCONUS and eligible for treatment in the MHS at military installations or facilities OCONUS. These DoD civilian employees and their family dependents 18 years of age

and older only have the Unrestricted Reporting option.

(2) U.S. citizen DoD contractor personnel when they are authorized to accompany the Armed Forces in a contingency operation OCONUS and their U.S. citizen employees. DoD contractor personnel only have the Unrestricted Reporting option. Additional medical services may be provided to contractors covered under this part in accordance with DoDI 3020.41 as applicable.

(e) Service members who are on active duty but were victims of sexual assault prior to enlistment or commissioning are eligible to receive SAPR services (see §105.3) under either reporting option. The DoD shall provide support to an active duty Service member regardless of when or where the sexual assault took place.

#### § 105.3 Definitions.

Unless otherwise noted, these terms and their definitions are for the purpose of this part. Refer to 32 CFR 103.3 for terms not defined in this part.

(a) *Accessions training*. Training that a Service member receives upon initial entry into Military Service through basic military training.

(b) *Certification*. Refers to the process by which the Department credentials SARCs and SAPR VAs, assesses the effectiveness of sexual assault advocacy capabilities using a competencies framework, and evaluates and performs oversight over SARC and SAPR VA training. The certification criteria is established by the Department in consultation with subject-matter experts.

(c) *Case Management Group (CMG)*. A multi-disciplinary group that meets monthly to review individual cases of Unrestricted Reports of sexual assault. The group facilitates monthly victim updates and directs system coordination, accountability, and victim access to quality services. At a minimum, each group shall consist of the following additional military or civilian professionals who are involved and working on a specific case: SARC, SAPR VA, military criminal investigator, DoD law enforcement, healthcare provider and mental health and counseling services, chaplain, command legal representative or staff